

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

UNITED STATES OF
AMERICA,

Plaintiff-Appellant

v.

DTE ENERGY, *et al.*

Defendant-Appellees.

No. 11-2328

UNOPPOSED MOTION FOR EXTENSION OF TIME

The United States moves as Appellee for a 30-day extension of time to file its opening brief in this matter. Defendant-Appellees do not oppose this motion. The United States' brief is currently due on January 18, 2012; if this Court grants this motion, the brief would instead be due on February 17, 2010.

The undersigned attorney makes this request for two reasons. First, several other cases have demanded my attention during the time between this Court's December 6, 2011 briefing order and this date. In that time, I argued one case in the Fourth Circuit and drafted lengthy internal memoranda regarding two other cases. This work has left me

without adequate time to prepare a brief in this matter, especially given the time required for internal Government review.

Second, the United States is still in the process of determining whether to actually pursue its appeal rights in this Court. *See* 28 C.F.R. § 0.20 (assigning the Solicitor General responsibility for determining whether appeals will be taken). This determination involves coordination within and among the Department of Justice and client agencies. The United States anticipates that it will be able to make that determination shortly, but I would have difficulty preparing an adequate brief in the time remaining.

I have consulted with opposing counsel, Mr. F. William Brownell. He informs me that that Appellees will not oppose this motion.

Respectfully submitted,

/s/ Sambhav N. Sankar
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